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Attorneys for Garnishee The Bank of New York Mellon

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

TOISA LIMITED,	:	Civil Action No. 13-CV-1407
	:	
Plaintiff	:	
	:	
- against -	:	ANSWER OF GARNISHEE
	:	THE BANK OF NEW
PT TRANSAMUDRA USAHA SEJAHTERA	:	YORK MELLON TO
	:	WRIT OF ATTACHMENT
Defendant	:	<u>AND GARNISHMENT</u>
	:	

Garnishee, The Bank of New York Mellon (“The Bank”), by and through its counsel, Rawle & Henderson, LLP, hereby responds to the Process of Maritime Attachment and Garnishment issued on the Bank by plaintiff Toisa Limited, as follows:

1. The Bank does not hold any tangible or intangible property belonging to, or being held for the benefit of the defendant PT Transamudra Usaha Sejahtera. The Bank does not have any accounts held in the name of or for the benefit of the defendant PT Transamudra Usaha Sejahtera.

2. Pursuant to the terms of the Writ of attachment issued by the Court attaching accounts of non-party Bank Mandiri (Persero) PT, The Bank reviewed relevant records within the Southern District of New York and has determined that while non-party Bank Mandiri (Persero) PT maintains certain accounts with The Bank within the Southern District of New York, it is the Bank’s understanding and belief that the funds contained in said accounts belong

solely to Bank Mandiri (Persero) PT. The Bank has no means of ascertaining whether any funds contained within the correspondent accounts of Bank Mandiri (Persero) PT are being held by Bank Mandiri (Persero) PT “for the benefit of” defendant PT Transmudra Usaha Sejahtera, or any other entity.

3. Pursuant to the terms of the Writ of attachment, The Bank temporarily restrained \$2,604,413.30 from an account belonging to Bank Mandiri (Persero) PT. The Bank made several inquiries to Bank Mandiri (Persero) PT to attempt to determine whether any “funds or credits in its customer Bank Mandiri (Persero) PT’s U.S. Dollar correspondent account at the garnishee bank belongs to or is held for the benefit of Defendant PT Transmudra Usaha Sejahtera.” Bank Mandiri (Persero) PT has advised The Bank that all of the funds in their account with The Bank belong solely to Bank Mandiri (Persero) PT.


4. The Bank provided this information to Plaintiff’s counsel. Plaintiff, however, has refused to release The Bank from the Writ and allow the restrained funds to be released.

WHEREFORE, Garnishee, The Bank of New York Mellon, hereby respectfully requests that this Honorable Court quash the Process of Maritime Attachment and Garnishment issued to The Bank of New York in the matter and prohibit Plaintiff from further attempts to attach accounts or other property not held in the name of the named defendant, PT Transmudra Usha Sejahtera.

Dated: July 23, 2013

RAWLE & HENDERSON, LLP

By: _____


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